

less than the inner periphery of said first strip, and at least one inner spoke of said sealing material extending between said third strip and said first strip[, wherein remaining spaces between said second strip, said third strip and said at least one inner spoke are substantially void].

86 (amended). [The gasket of claim 85] A gasket for providing a seal at the joint between a pair of pipe flanges for connecting one flange to the other, comprising:

a first strip of a material adapted for sealing which is formed in a loop and has an outer periphery;

a second strip of said sealing material formed in a loop and having an outer periphery and an inner periphery greater than said outer periphery of said first strip; and

at least one spoke of said sealing material extending between said first strip and said second strip, and wherein said outer periphery of said first strip is substantially circular and said outer periphery of said second strip is substantially square, wherein said outer periphery of said second strip defines a concavity at a respective corner thereof.--

REMARKS

This is in response to the Office Action dated April 26, 2000. Applicant acknowledges the allowance of claims 88 - 92 and the allowability of claims 56 - 59, 63 - 66, 70 - 73, 79 - 82, and 86 if rewritten in independent form. Claims 56, 59, 63, 66, 70, 73, 79, 82 and 86 have been rewritten in independent form, with claims 57, 58, 64, 65, 71, 72, 80, 81 depending therefrom. However, the Examiner's attention is drawn to the omission of the limitation that the space between the spokes and the strips is substantially void. As the specification explains (Page 2, lines 31 - 36), the material between the rings and the spokes is preferably void, but may instead be

formed of material thinner than the rings and spokes and accomplish the objectives of the invention. It is respectfully submitted that this limitation served no distinctive purpose with respect to the references of record and its omission raises no new issues.

The Examiner is thanked for reconsidering the rejections.

Rejection of Claim 55

Claim 55 stands rejected under 35 USC §102(b) as being anticipated by Merwarth, U.S. Patent No. 605,891 ("Merwarth").

The rejection depends on the Examiner's interpretation of Merwarth's disclosure at Page 2, lines 44 - 50: "[i]t may be desirable . . . in some cases to form the loops or eyes . . . of a soft-metal rod or wire **of the same size** as the soft-metal rings . . . in order to form a seal around the bolt holes or perforations through the flanges" (emphasis added).

There are two reasons to interpret the above sentence as failing to teach or suggest making the loops or eyes of the same material as the rings. First, it states only that the loops or eyes are formed of a material that **is the same size** as the material used for the rings. The material is the same size--it does not have to be the same material and there is no suggestion in this sentence or anywhere else in the reference to make it so. For this reason alone, Merwarth does not teach, motivate or suggest using the same material for the rings and the loops or eyes.

Second, the sentence introduces "*a* material" for the loops or eyes, along with a reference to "*the* material" used for the rings, which has already been introduced. If the reference had intended these to be the same material, there would be no logical reason for it to refer to the material for the loops or eyes as "*a*" [new or different] material. On the other hand, if the reference intended these to be different materials, as Applicant contends, it would be entirely logical to refer to the material for the loops as being "*a*" [new or different] material. Therefore, Merwarth is seen to teach *against* using the same material for the rings and the loops or eyes.

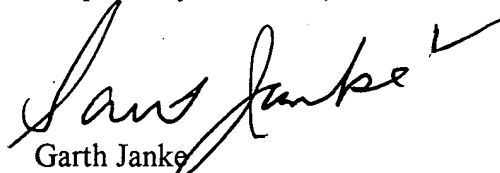
Rejection of Claim 85

Claim 85 stands rejected as being unpatentable under 35 USC §103 as being unpatentable over Merwarth. The Examiner states that it is obvious to use a square outer periphery because (1) the specification does not state that using a square outer periphery solves any particular problem; and (2) it appears to the Examiner that a gasket having a circular outer periphery would function equally as well.

These arguments are inapposite to the ground of rejection. A structure is obvious if and only if the prior art teaches, motivates or suggests it. The reasons for rejection do not address whether the prior art teaches, motivates or suggests the claimed invention. If the Examiner can identify a teaching or suggestion in the prior art to create the claimed gasket with a square outer periphery, she is respectfully requested to do so; otherwise, it is respectfully submitted that the rejection should be withdrawn.

The Examiner is respectfully requested to allow claims 55 - 92 and pass this case to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Garth Janke", with a checkmark to the right.

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